

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

SUPPORTING STATEMENT

Nomination and Designation of Fishery Management Council Members and Application for Reinstatement of State Authority

Section A: Justification:

1. This submission contains four information collection requirements associated with implementation of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act):

(a) Principal State Officials and Their Designees. Section 302(b)(1)(A) of the Magnuson-Stevens Act requires that each Governor designate the principal state fishery official that will perform certain duties under the Magnuson-Stevens Act. The information submitted with the designation allows the National Marine Fisheries Service (NMFS) to determine whether the requirements of the Magnuson-Stevens Act are being met in terms of the responsibilities and expertise of the individual named, and to ensure that the person named is a full-time State employee.

(b) Governors' Nominees for Council Appointments. Section 302(b)(2)(C) of the Magnuson-Stevens Act requires Governors to nominate people to serve as members of the Councils. Information is needed to determine the qualifications of individuals and to meet other requirements under the Magnuson-Stevens Act.

(c) Treaty Indian Tribal Governments' Nominees for Council Appointments. Section 302(b)(5) of the Magnuson-Stevens Act requires tribal governments of Indian tribes with Federally-recognized fishing rights in California, Oregon, Washington or Idaho to nominate representatives to serve on the Pacific Fishery Management Council. Information is needed to determine the qualifications of individuals and to meet other requirements under the Magnuson-Stevens Act.

(d) Application for Reinstatement of State Authority. Section 306(b)(2) of the Magnuson-Stevens Act allows states to apply for reinstatement of their authority to manage a fishery. The information required to be submitted with the application explains the reason for the state application.

2. The use of the information will be as follows.

(a) Principal State Officials and Their Designees. The information is used by the Secretary of Commerce (Secretary) to appoint state officials as voting members of Councils under Section 302(b)(1)(A) of the Magnuson-Stevens Act. The Secretary seeks, on an annual basis, information about the expertise, employment, and responsibilities of the Governors' designees to meet the requirements of the Magnuson-Stevens Act. The information has been collected and used in the Council appointment process since 1977.

(b) Governors' Nominees for Council Employments. The information is used by the Secretary to appoint members to the Councils. One third of The Councils' membership (approximately 50 of 150 persons) is appointed by the Secretary annually. The information submitted helps the Secretary ensure that the candidates are properly qualified as specified in Section 302(b)(2)(B) and (C) of the Magnuson-Stevens Act, and to ensure that there is a balance in Council representation between sectors with fishery interests (e.g. commercial, environmental, and recreational interests). This information has been collected and used by the Secretary in the Council appointment process since 1977 and in mandated reports to Congress since 1991.

(c) Treaty Indian Tribal Governments' Nominees for Council Appointment. Section 302(b)(5)(B) of the Magnuson-Stevens Act sets forth the criteria for appointments by the Secretary, including requirements for information on the qualifications of nominees, geographic area in which the tribe of the nominee is located, and the various fishing rights of the Indian tribes involved and judicial cases that set out how those rights are to be exercised. One appointment will be made to the Pacific Fishery Management Council every third year from not less than three nominees proposed by the Indian tribal governments. The Indian tribal governments may act either as a group or individually in proposing nominees.

(d) Application for Reinstatement of State Authority. A state may apply, under Section 306(b)(2), to the Secretary for reinstatement of state authority over a fishery. Information is required of the state making application to determine whether the reasons for which the Secretary had assumed responsibility still exist, or whether the Secretary should return responsibility back to the state in question.

3. There is no use of automated technology. Use of automated technology has not been deemed to offer the opportunity to substantially reduce collection-of-information burden on the respondents.

4. The NMFS is the sole organization collecting nomination information for the Secretary and administering the appointment process. The NMFS is also the sole organization charged with the regulation of fisheries in the U.S. Exclusive Economic Zone. Thus there is no possible duplication of other collections.

5. The respondents for collections listed in sub-paragraphs 2(a), 2(b), and 2(d) above are state governments, not small entities. The respondents for the collection listed in sub-paragraph 2(c) above are Indian tribal governments. The burden is considered not to be significant and has been further reduced from the collection-of-information burden placed on the state governments in the following ways:

(a) Participation in the nomination process by the 27 Indian tribes is at the discretion of the individual tribal governments.

(b) The nomination process and collection-of-information only takes place every third year for one Council member's seat on the Pacific Fishery Management Council.

(c) The tribal governments have the option of combining to nominate qualified persons in order to further reduce the burden on any one tribal government.

6. Congress has mandated the program activities and the frequency of reporting requirements in the Magnuson-Stevens Act.

7. The collection will be consistent with the OMB guidelines.

8. The agency has had frequent contacts with respondents on collection-of-information related to 2(a), 2(b), 2(c) and 2(d) above and no problems have been identified. A Federal Register Notice solicited public comment on this submission, and no comments were received.

9. No payment or gift will be made for responses.

10. No confidentiality is provided.

11. No sensitive questions are asked.

12. The estimated collection-of-information burden is 4,695 hours.

(a) Principal State Officials and Their Designees:

15 Governors x 1 response (1 nomination)/year x 1 hour/response = 15 hours

Estimated cost: 15 hours x \$48/hour (average Governor's pay/hour) = \$720

(b) Governors' Nominees for Council Appointments:

30 Governors x 1 response (3 nominations)/year x 120 hours/response = 3600 hours

Estimated cost: 3600 hours x \$48/hour (average Governor's pay/hour) = \$172,800

(c) Indian Tribal Governments' Nominees for Council Appointments:

9 tribal governments x 1 response (3 nominations)/year x 120 hours/response = 1080 hours

Estimated cost: 1080 hours x \$30/hour (average senior tribal government official pay/hour) = \$32,400

(d) Applications for Reinstatement of State Authority:

0 applications x 2 hours = 0 hours

Estimated cost: zero. (No applications have been submitted under this provision of the Magnuson-Stevens Act)

13. The only public costs for this collection are for copying and mailing. At an estimated \$2 per response for 54 responses, the total cost would be \$108.

14. The estimates of annualized cost to the Federal government are:

(a) Principal State Officials and Their Designees:

GS-15 (\$46/hour) x 40 hours = \$ 1,840
GS-12 (\$28/hour) x 40 hours = \$ 1,120
GS-09 (\$19/hour) x 40 hours = \$ 760
\$ 3,720

(b) Governors' Nominees for Council Appointment:

GS-15 (\$46/hour) x 80 hours = \$ 3,680
GS-12 (\$28/hour) x 1040 hours = \$29,120
GS-09 (\$19/hour) x 1040 hours = \$19,760
\$52,560

(c) Indian Tribal Governments' Nominees for Council Appointment:

GS-15 (\$46/hour) x 40 hours = \$ 1,840
GS-12 (\$28/hour) x 320 hours = \$ 8,960
GS-09 (\$19/hour) x 320 hours = \$ 6,080
\$16,880

(d) Application for Reinstatement of State Authority

Zero cost estimated. This has never happened.

Total: Estimated Federal cost: \$73,160

15. The hours are a program change because this is a reinstatement of a collections whose OMB approval had expired. The requested hours are the same as that of the expired approval.

16. Collection results will not be published.

17. No forms will be involved. The requirements will be contained in the regulations governing appointments to, and procedures for, the Councils.

18. No exceptions to the certification statement identified in Item 19 of the OMB 83-I are requested.